

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DENNIS D. DAY and KIM L. DAY,	:	CIVIL ACTION NO. 1:05-CV-1297
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 13th day of January, 2006, upon consideration of the motion to dismiss (Doc. 3) filed by defendant State Farm Mutual Automobile Insurance Company (“State Farm”), and of plaintiffs’ motion to remand (Doc. 6), arguing that the court lacks jurisdiction to hear the claims in this case, and it appearing that plaintiffs have voluntarily dismissed the majority of claims against State Farm¹ (see Docs. 12, 15, 16), that a settlement has been reached with defendant Infiniti Insurance Company, (see Docs. 17, 18), and that remand of this case to state court may be appropriate, see 28 U.S.C. § 1332(a) (requiring that “the matter in controversy exceed[] the sum or value of \$75,000, exclusive of interest and costs”); see also 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”), it is hereby ORDERED that:

¹ Indeed, the docket no longer lists State Farm as a defendant in this case.

1. The motion to dismiss (Doc. 3) is DENIED as MOOT.
2. Defendants shall file, on or before January 25, 2006, a response showing cause why the above-captioned action should not be remanded to the York County Court of Common Pleas.
3. Plaintiffs shall be permitted to file a brief in reply on or before January 31, 2006.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge